



Missouri
Department
of Natural
Resources

Drycleaning Environmental Response Trust Fund

DERT FUND NEWSLETTER

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Has Your Solvent Supplier Been Paying the Solvent Surcharges to the Department of Natural Resources? What you don't know could cost you.

As a dry cleaning facility, make sure that you are buying your solvents from a solvent supplier that is current in paying the solvent supplier surcharges in accordance with RSMo 260.940.11. According to the law, you as the facility owner or operator could be required to pay these solvent surcharges.

The statute states, "An operator of a dry-cleaning facility shall not purchase or obtain solvent from a seller or provider who does not pay the dry-cleaning solvent charge, as provided in this section. Any operator of a dry-cleaning facility who fails to obey the provisions of this section shall be required to pay the dry-cleaning solvent surcharge as provided in subsections 2, 3 and 4 of this section for any dry-cleaning solvent purchased or obtained from a seller or provider who fails to pay the proper dry-cleaning solvent surcharge as determined by the department." The statute goes on to include charging a dry cleaning facility with penalties and interest if the solvent supplier does not pay the surcharges.

This means that **you as the facility owner or operator** may be held responsible for paying these solvent surcharges and any applicable penalties and interest if your supplier does not pay the solvent surcharge to the state. You will need to keep all receipts from the solvent suppliers that provide solvents to you to show that you paid the solvent surcharge. Also be sure to ask your solvent suppliers for a copy of their receipt from the department for the last quarterly solvent surcharge reporting period. The periods for solvent surcharge reporting are from January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31 of each calendar year. The first solvent surcharge receipts will be issued in May 2004 and in the future will be issued quarterly within 60 days after the end of the quarter.

The department is planning to provide a list of solvent suppliers on its Web site so that you may view who is in compliance with paying the solvent surcharges and which suppliers are not. The Web site is www.dnr.mo.gov/alpd/hwp/hwpvcp-dryclean.htm and will be updated quarterly. Or you can call the DERT Fund at (573) 526-8913 for questions regarding solvent suppliers. This function of the Web site should be available in May 2004.



Dry Cleaning facility in the Kansas City Area

Kansas City Brownfields Grant

The Kansas City Department of City Planning and Development is conducting a property survey to identify all current and former dry cleaning facilities in the 3rd and 5th Council districts of Kansas City, MO. This work is being conducted as part of a Brownfields Assessment Grant from the Environmental Protection Agency.

Notification of the abandoned sites will be made to the DERT Fund so that these sites are eligible by the statutory deadline of July 1, 2004

DERT Fund Proposed Rules Filed

Comments may be submitted

A work group of dry cleaning industry members, municipalities, consultants, and department staff was convened in March 2003 to draft proposed rules and met from March 2003 through September 2003 in meetings open to the public. These proposed rules are necessary to describe the procedures involved with conducting the assessment, investigation, and remediation of contaminated active and abandoned dry cleaner sites and to help prevent future releases of dry cleaning solvents. These proposed rules also describe reporting requirements, eligible expenses to the DERT Fund, how to apply to the DERT Fund, and procedures for claims and appeals to the DERT Fund. These proposed rules will be filed on April 15, 2004 and published in the May 17, 2004 Missouri Register. A copy of the proposed rules may be obtained from the Secretary of States Web site at www.sos.mo.gov or by contacting this office at (573) 526-8913.

The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 16, 2004 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at P.O. Box 176, Jefferson City, Missouri, 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 2, 2004. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at P.O. Box 176, Jefferson City, Missouri, 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2004. Faxed or e-mailed correspondence will not be accepted. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176

Common List of Dry Cleaning Solvents *

Chlorinated	Non-Chlorinated
Tetrachloroethylene, Perchloroethylene (PERC)	Stoddard Solvent
Trichloroethylene (TCE)	Rynex
Trichloroethane (TCA)	Pure Dry
Freon 113	Green Earth
Valclene	DF2000
	Tex Solve

* Please check your facilities status with the DERT Fund if your solvent is not listed here

State Coalition for Remediation of Drycleaners

Missouri is a active member of the State Coalition for Remediation of Drycleaners (SCRD). The SCRDR began in 1998 and provides an opportunity for member states to learn from other states techniques for improving and ensuring the effectiveness of their individual dry cleaner cleanup efforts. The group was formed with help from EPA Technology Innovation Office and the National Groundwater Association to foster collaboration among states in approaching cleanups at dry cleaning facilities. Member states include Alabama, Florida, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas and Wisconsin. For information on dry cleaning remediation and on chemicals used in dry cleaning operations, please visit the SCRDR Web site at www.drycleancoalition.org.

Annual Facility Registration Deadline

The annual dry cleaning facility registration fee is due each year on April 1. The surcharge is based upon chlorinated or non-chlorinated solvent use at the facility from the previous calendar year. Facilities that use the solvent perchloroethylene, receive an Emissions Inventory Questionnaire from the department's Air Pollution Control Program (APCP) or their local air regulatory agency in January of each calendar year. Dry cleaners that use other chlorinated (such as trichlorethylene) and non-chlorinated solvents (such as stoddard) receive a registration form from the DERT Fund.

To avoid penalties and interest with the calendar year 2003 annual registration surcharges, please submit these forms with the appropriate payments before April 1 of this year. For those facilities that are required to pay APCP emissions fees, a separate check is required for the DERT Fund and the APCP Program. If you require any assistance in filling out the form or have any questions, please contact Penny Moore of the Hazardous Waste Program at (573) 751-3354 or the APCP at (573) 751-4817.

Frequently Asked Questions?

Q: I have had some negative experiences with Missouri Department of Natural Resources. If I have an abandoned dry cleaner site, why should I inform Missouri Department of Natural Resources about its existence?

A: A dry cleaning facility can contaminate soil or groundwater with hazardous chemicals used in dry cleaning. Such a situation can create a danger to human health or the environment. Some of the reasons to clean up these hazardous chemicals in a timely manner are:

- **Property Transactions:** The dry cleaner may be faced with difficulty in borrowing money or selling dry cleaning property if it is contaminated.
- **Potential Liability:** The dry cleaner may be faced with the filing of private party lawsuits seeking compensation or cleanup if the property is contaminated.
- **Potential Enforcement Action:** In the event of an emergency, the department's Environmental Services Program (ESP) in order to protect human health and the environment, may respond to and clean up or control releases of hazardous substances and petroleum. Costs and damages incurred by the ESP as a result of such releases are recoverable from responsible parties.

According to RSMo 260.925, the DERT fund moneys can not be used to pay for corrective action at abandoned dry cleaning facilities taken out of service prior to July 1, 2004 that are not documented by or reported to the department prior to July 1, 2004. Please contact the DERT Fund for a notification form or you may download this form on the DERT Fund Web site at www.dnr.mo.gov/alpd/hwp/hwpvcp-dryclean.htm.

Q: RSMo 260.935 states that the department will provide each person who pays a dry cleaning facility registration surcharge with a receipt. Why haven't I received a receipt?

A: The department began issuing receipts for the annual facility registration surcharge in January 2004. If you have not received your receipt please contact the DERT Fund. Receipts to the solvent suppliers are being issued in May 2004. When purchasing solvent from a solvent supplier, you should determine if your solvent supplier is in compliance with paying the surcharge, otherwise you may be responsible for paying this surcharge.

REMEDIATION AT DRY CLEANER SITES

The cost of cleanup at an active or abandoned dry cleaner site can often exceed \$1 million dollars. The financial benefit for drycleaners is clearly evident. If a dry cleaning facility has been contaminated with dry cleaning solvents, the facility owner, facility operator, real property owner, or local municipality may apply to enter the program. Once accepted the site is prioritized based on the actual or potential risk to human health and the environment. Sites with a higher priority typically have contaminated groundwater that is being utilized as drinking water. The owner or operator of the active or abandoned dry cleaning facility is responsible for the first \$25,000 of cleanup activities at the site and anything in excess of \$1 million. The DERT Fund will pay for eligible expenses between those amounts. Most cleanups will be achieved for less than \$1 million. Owners or operators who choose not to apply for the DERT Fund may be responsible for all cleanup costs through another state or federal cleanup program. The Certificate of Completion that will be offered by the program at the conclusion of cleanup activities, reduces the uncertainty associated with dry cleaner properties and allows property transactions to proceed. Abandoned dry cleaner sites that have been vacant can then be used for other productive purposes.



Injection of permanganate at an active dry cleaning facility with PCE contaminated groundwater. This site is currently enrolled in the Brownfields/Voluntary Cleanup Program

DERT FUND SEMINARS

Please check out our Web page for information concerning DERT Fund Seminars. A seminar is being planned for September 22, 2004. This seminar will be held in St. Louis, MO and will be held in conjunction with the National Brownfields conference being held in St. Louis from September 19-22. This seminar will detail how the program will operate.

This will include presentations on how the program will work including the process of conducting investigations and corrective actions at a dry cleaning facility and the application, claim, and reimbursement procedures for the DERT Fund. A question and answer period will follow the presentations and staff will be available to allow individuals to discuss their particular facility.

Additional seminars are being planned for October and November 2004 in various locations throughout the state. The dates of these seminars will be posted on the Web page as soon as the dates and locations are finalized.

www.dnr.mo.gov/alpd/hwp/hwpvcv-dryclean.htm

National Brownfields Conference

The National Brownfields Conference will be held in St. Louis, MO from September 19-22. For information related to this conference you can call (202) 962-3674 or visit the Web site at www.brownfields2004.org/en/index.aspx. To register you may either visit the Web site or call 1-877-343-5374.

DERT Fund

Department of Natural Resources
Hazardous Waste Program
P.O. Box 176
Jefferson City, MO 65102-0176

Phone: (573) 526-8913
Fax: (573) 526-8922
E-mail: ken.koon@dnr.mo.gov